

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

01-CA-137169

Date Filed

Sept. 19, 2014

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

(1) Danju Enterprises Inc. d/b/a McDonald's, and
(2) McDonald's USA, LLC as Joint or Single Employer

b. Tel. No. (860) 560-2292

c. Cell No.

f. Fax No.

d. Address (Street, city, state, and ZIP code)

(1) 170-178 Washington St. Hartford CT 06106
(2) McDonald's USA, LLC, One McDonald's
Plaza, Oak Brook IL, 60523

e. Employer Representative

(1) (b) (6), (b) (7)(C)
(2) Gloria Santana

g. e-Mail

h. Number of workers employed
(1) Approx. 50i. Type of Establishment (factory, mine, wholesaler, etc.)
Restaurantj. Identify principal product or service
Food Service

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On or about August 2014, the Employer began scheduling pro-union employees for different shifts and less desirable work duties in retaliation for their protected concerted/union activity and in order to isolate them from other employees.

Additionally, on or about August 2014, the Employer stated that union activity was futile.

On Saturday (b) (6), (b) (7)(C) 2014, the Employer, through its agent (b) (6), (b) (7)(C) (last name unknown) stated to employees that if they participated in protected concerted activity/union activity, specifically participating in a protected one-day strike, they would be terminated. Later that day, the Employer, through its agent (b) (6), (b) (7)(C) engaged in discriminatory discipline against employee (b) (6), (b) (7)(C) in retaliation for (b) (6), (b) (7)(C) protected concerted/union activity.

On Sunday, (b) (6), (b) (7)(C) 2014, the Employer, through its agent (b) (6), (b) (7)(C), stated to employee (b) (6), (b) (7)(C) that (b) (6) was terminated. (The next day the Employer stated that (b) (6), (b) (7)(C) was rehired and/or not actually terminated.)

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Connecticut Workers Organizing Committee, a project of the Fast Food Workers Committee

4a. Address (Street and number, city, state, and ZIP code)

77 Huyshope Ave
Hartford CT 06106

4b. Tel. No. (b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Fast Food Workers Committee

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By

(signature of representative or person making charge)

Daniel E. Livingston, Attorney

(Print/type name and title or office, if any)

Tel. No.

860-233-9821

Office, if any, Cell No.

860-712-4668

Fax No.

860-232-7818

e-Mail

delivingston@lapm.org

Address 557 Prospect Avenue, Hartford CT 06105

9-19-2014

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 34
450 Main St Ste 410
Hartford, CT 06103-3078

Agency Website: www.nlrb.gov
Telephone: (860)240-3522
Fax: (860)240-3564



Download
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September 22, 2014

Danju Enterprises, Inc. d/b/a McDonald's and
McDonald's USA, LLC as Joint or Single Employer
170-76 Washington Street
Hartford, CT 06106

Re: MCDONALD'S AND MCDONALD'S USA, LLC
AS JOINT OR SINGLE EMPLOYER
Case 01-CA-137169

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by GRANT T. DODDS whose telephone number is (860)240-3567. If this Board agent is not available, you may contact Deputy Regional Attorney TERRI A. CRAIG whose telephone number is (860)240-3532.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly. **Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as**

September 22, 2014

one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate.

Therefore, in addition to investigating the merits of the unfair labor practice allegations, the Board agent will also inquire into those factors relevant to making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. Accordingly, please include your position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

September 22, 2014

We can provide assistance for persons with limited English proficiency or disability.
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Michael C. Cass". The signature is written in a cursive, flowing style.

Michael C. Cass
Officer in Charge

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: Ms. Gloria Santona
McDonald's USA LLC
One McDonald's Place
Oak Brook, IL 60523

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAMEDANJU ENTERPRISES, INC. d/b/a MCDONALD'S AND MCDONALD'S USA, LLC
AS JOINT OR SINGLE EMPLOYER**CASE NUMBER**

01-CA-137169

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$

YES

NO

B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____**10 ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**DANJU ENTERPRISES, INC. D/B/A
MCDONALD'S AND MCDONALD'S USA, LLC
AS JOINT OR SINGLE EMPLOYER**

Charged Party

Case 01-CA-137169

and

**CONNECTICUT WORKERS ORGANIZING
COMMITTEE, A PROJECT OF THE FAST
FOOD WORKERS COMMITTEE**

Charging Party

AFFIDAVIT OF SERVICE OF LETTER & CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on September 22, 2014, I served the above-entitled document(s) by post-paid **regular mail** upon the following persons, addressed to them at the following addresses:

Ms. Gloria Santona
McDonald's USA LLC
One McDonald's Place
Oak Brook, IL 60523
Regular Mail

Danju Enterprises, Inc. d/b/a McDonald's and
McDonald's USA, LLC as Joint or Single
Employer
170-76 Washington Street
Hartford, CT 06106
Regular Mail

September 22, 2014

Date

Terri L. Gupton, Designated Agent of NLRB

Name

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 34
450 Main St Ste 410
Hartford, CT 06103-3078

Agency Website: www.nlrb.gov
Telephone: (860)240-3522
Fax: (860)240-3564



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September 22, 2014

Connecticut Workers Organizing Committee,
a project of the Fast Food Workers Committee
77 Huyshope Avenue
Hartford, CT 06106

Re: DANJU ENTERPRISES, INC. d/b/a
MCDONALD'S AND MCDONALD'S USA, LLC
AS JOINT OR SINGLE EMPLOYER
Case 01-CA-137169

Dear Sir or Madam:

The charge that you filed in this case on September 19, 2014 has been docketed as case number 01-CA-137169. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by GRANT T. DODDS whose telephone number is (860)240-3567. If this Board agent is not available, you may contact Deputy Regional Attorney TERRI A. CRAIG whose telephone number is (860)240-3532.

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If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

September 22, 2014

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Michael C. Cass". The signature is written in a cursive, flowing style.

Michael C. Cass
Officer in Charge

cc: Daniel E. Livingston, Attorney
Livingston, Adler, Pulda, Meiklejohn
& Kelly, P.C.
557 Prospect Ave
Hartford, CT 06105-2922

(b) (6), (b) (7)(C)
Service Employees International Union
1800 Massachusetts Avenue NW, Floor 6
Washington, DC 20036-1806

LAW OFFICES

LIVINGSTON, ADLER, PULDA, MEIKLEJOHN & KELLY, P.C.

557 PROSPECT AVENUE • HARTFORD, CONNECTICUT 06105-2922

TELEPHONE: (860) 232-9821 • FAX (860) 232-7818

WWW.LAPM.ORG

0-1-108

DANIEL E. LIVINGSTON
GREGG D. ADLER
THOMAS W. MEIKLEJOHN
MARY E. KELLY
HENRY F. MURRAY
NICOLE M. ROTHGEB*

RUTH L. PULDA
1935-2008

OF COUNSEL
PETER COSELIN

*ALSO ADMITTED IN
MASSACHUSETTS

WRITER'S DIRECT DIAL:
(880) 570-4625
dellivngston@lapm.org

September 19, 2014

Michael C. Cass, Officer in Charge
NLRB, Sub-Region 34
A. A. Ribicoff Federal Building and Courthouse, 4th Floor
450 Main Street
Hartford, CT 06103-3503

Re: McDonald's

Dear Mr. Cass:

Enclosed for filing please find a Charge Against Employer in the above-referenced matter. To make arrangements for the investigation, please have the Board Agent assigned to this case contact:

(b) (6), (b) (7)(C)

Service Employees International Union (SEIU)
1800 Massachusetts Avenue, NW
Washington, DC 20036

Office: (b) (6), (b) (7)(C)

Cell: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@seiu.org

Thank you.

Very truly yours,

Daniel E. Livingston/due

Daniel E. Livingston

(b) (6), (b) (7)(C)

Enclosure

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

DANJU ENTERPRISES, INC. D/B/A
MCDONALD'S AND MCDONALD'S USA, LLC
AS JOINT OR SINGLE EMPLOYER

Charged Party

Case 01-CA-137169

and

CONNECTICUT WORKERS ORGANIZING
COMMITTEE, A PROJECT OF THE FAST
FOOD WORKERS COMMITTEE

Charging Party

AFFIDAVIT OF SERVICE OF LETTER & CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on September 22, 2014, I served the above-entitled document(s) by post-paid **regular mail** upon the following persons, addressed to them at the following addresses:

Ms. Gloria Santona
McDonald's USA LLC
One McDonald's Place
Oak Brook, IL 60523
Regular Mail

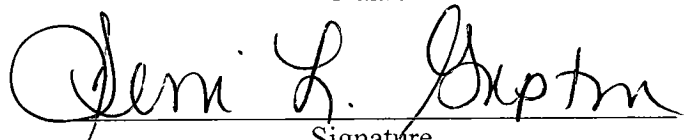
Danju Enterprises, Inc. d/b/a McDonald's and
McDonald's USA, LLC as Joint or Single
Employer
170-76 Washington Street
Hartford, CT 06106
Regular Mail

September 22, 2014

Date

Terri L. Gupton, Designated Agent of NLRB

Name



Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 34
450 Main St Ste 410
Hartford, CT 06103-3078

Agency Website: www.nlrb.gov
Telephone: (860)240-3522
Fax: (860)240-3564

October 10, 2014

Doreen S. Davis, Atty.
Jones Day
222 East 41st Street
New York, NY 10017-6702

Gina M. Livolsi, Atty.
Lapointe Law, P.C.
1200 Shermer Road, Suite 310
Northbrook, IL 60062

Re: DANJU ENTERPRISES, INC. d/b/a
MCDONALD'S and MCDONALD'S USA,
LLC AS JOINT OR SINGLE EMPLOYER
Case 01-CA-137169

Dear Ms. Davis and Ms. LiVolsi:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Michael C. Cass

Michael C. Cass
Officer in Charge

cc: Danju Enterprises, Inc.
d/b/a McDonald's
170-176 Washington Street
Hartford, CT 06106

Daniel E. Livingston, Attorney
Livingston, Adler, Pulda,
Meiklejohn & Kelly, P.C.
557 Prospect Ave
Hartford, CT 06105-2922

(b) (6), (b) (7)(C)
Service Employees International Union
1800 Massachusetts Avenue N.W., Floor 6
Washington, DC 20036-1806

Connecticut Workers Organizing Committee,
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77 Huyshope Avenue
Hartford, CT 06106

DANJU ENTERPRISES, INC. d/b/a
MCDONALD'S and MCDONALD'S USA,
LLC AS JOINT OR SINGLE EMPLOYER
Case 01-CA-137169

- 2 -

October 10, 2014

Andrew G. Madsen, Esq.
Jones Day
77 W. Wacker Drive, Suite 3500
Chicago, IL 60601-1701

Ms. Gloria Santona
McDonald's Usa Llc
One McDonald's Place
Oak Brook, IL 60523